

Under the Americans with Disabilities Act, the DOT was required to adopt a final rule, which they did in 1998, requiring vehicle modifications for intercity buses, charter buses, tour buses, to accommodate individuals with disabilities.

But regulations have to be enforced to be effective, and the Federal Motor Carrier Safety Administration has interpreted the motor carrier statute in a way that limits the agency's ability to assess compliance with over-the-road bus accessibility regulations.

That's not acceptable. We have had quite some discussion about that issue. And, in fact, a new version of the American with Disabilities Act was introduced earlier this year by our majority leader, the gentleman from Maryland (Mr. HOYER) and cosponsored and co-initiated by the gentleman from Wisconsin (Mr. SENSENBRENNER) who has long been a strong advocate for legislation supporting the needs of the handicapped community.

Relying simply on Department of Justice enforcement authority, the FMCSA felt it couldn't take action on violations of its own regulations by over-the-road bus companies. In the U.S. Court of Appeals case, Peter Pan Bus Lines and Bonanza Acquisition, the court rejected the claim that the agency does not have discretion to interpret the law to allow consideration of compliance with ADA. The case was sent back to FMCSA for further review in February of this year.

But again the agency dragged its feet. After 8 months of failure to act, the FMCSA responded to the court in October, but only after Chairman DEFazio and I expressed our intent to legislate a solution if the agency did not provide its own plans to comply with ADA requirements.

In the decision, FMCSA defends its position that the agency does not have the authority to enforce the American with Disabilities Act and said, "If Congress intended to expand the fitness criteria to include compliance with additional DOT regulations such as 49 CFR part 37, it presumably would have said so."

Well, we are saying so today. If that's what they think they need, then we are going to make sure they have the authority to do it. There is no excuse for any further delay.

Specifically, the pending bill amends section 13902 of title 49 of U.S. Code to prohibit the Federal Motor Carrier Administration from granting registration authority to motor carrier providing over-the-road bus transportation where that carrier is not willing or able to comply with the accessibility requirements under subpart H of part 37 of title 49, CFR.

This bill will allow DOT to put compliance with ADA on a par with compliance with safety requirements, further clarifying in this legislation that the Secretary may suspend, amend or revoke a motor carrier's registration in the event of willful failure to comply

with ADA. And bill further requires DOT and the Justice Department to enter into a memorandum of understanding to clearly define each department's roles and responsibilities in enforcing the provisions of ADA. This was not a new initiative. Some years ago when I chaired the Economic Development Subcommittee and the Investigations and Oversight Subcommittee, my colleague from Pennsylvania, Mr. Klinger, and I required similar memorandum of understanding among three departments who were failing to carry out their responsibility on transportation overlaps.

So what we are doing here in this legislation has precedence of over 20 years ago in a similar issue of transportation.

ADA was enacted 17 years ago. We need to keep our vigilance over its enforcement, make sure that the agency is doing its responsibility to oversight and that the carriers are complying with their responsibility to all members of the traveling public.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3985 will level the playing field for all bus and motor carrier companies operating in interstate commerce in this area. The bill deserves support. I urge all of my colleagues to support it.

Mr. Speaker, I rise today to support this important bipartisan bill offered by my colleagues on the Transportation and Infrastructure Committee.

The Over-the-Road Bus Transportation Accessibility Act of 2007 is an important bill for all people who rely on transportation by bus and motorcoaches.

H.R. 3985 requires that all buses and motorcoaches comply fully with the Americans with Disabilities Act, or the "ADA." If not, the U.S. DOT will revoke the company's authority to operate on our interstates and highways.

H.R. 3985 will also require U.S. DOT and the Department of Justice to work together when an ADA violation is discovered. This will ensure that bus and motorcoach companies that violate the ADA will be held accountable for their actions.

It is important to note that this bill is not creating any additional ADA requirements. H.R. 3985 does not change what is currently mandated in the ADA. Bus and motorcoach companies will not have to change their business plans, unless they are not obeying the law.

This bill simply ensures that all carriers comply with the ADA, which is what they are supposed to do anyway. If a bus is not in compliance, it will not be on our roads.

H.R. 3985 will level the playing field for all bus and motorcoach companies operating in interstate commerce. Companies who have ignored the ADA will not have a competitive advantage over the good actors who have spent substantial amounts on lifts and other equipment to make their buses accessible.

I have no further requests for time, and I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 3985.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### HONORING THE ACCOMPLISHMENTS OF BARRINGTON ANTONIO IRVING

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 661) honoring the accomplishments of Barrington Antonio Irving, the youngest pilot and first person of African descent ever to fly solo around the world, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 661

*Whereas Barrington Irving was born in 1983 in Kingston, Jamaica, and raised in inner-city Miami, Florida;*

*Whereas Irving discovered his passion for aviation at the age of 15 when Captain Gary Robinson, a Jamaican airline pilot who has since served as his mentor, took him to tour the cockpit of a Boeing 777;*

*Whereas Irving overcame financial hardship to pursue his dream to become a pilot by working miscellaneous jobs and working for private aircraft owners in exchange for flying lessons;*

*Whereas Irving was the recipient of a joint Air Force/Florida Memorial University Flight Awareness Scholarship to cover college tuition and flying lessons for his tireless volunteer efforts and commitment to community service;*

*Whereas in 2003, Irving contacted companies including aircraft manufacturer Columbia, which agreed to provide him with a plane to fly around the world if he could secure donations and components;*

*Whereas over several years, Irving visited aviation trade shows throughout the country and secured more than \$300,000 of cash and donated components including the engine, tires, cockpit systems, and seats for a Columbia 400, one of the world's fastest single-engine piston airplanes;*

*Whereas in the process of pursuing his dream of an around the world flight, Irving founded a nonprofit organization in 2005 to address the significant shortage of youth pursuing careers in aviation and aerospace;*

*Whereas Irving's efforts have garnered widespread community support and sponsorship as an effective model to expose young people and underrepresented groups to opportunities in aviation;*

*Whereas on March 23, 2007, Irving embarked from Miami, Florida, on a 24,600-mile flight around the world in an airplane named "Inspiration" at 23-years of age while still a senior majoring in aerospace at Florida Memorial University;*

*Whereas on June 27, 2007, Irving concluded his flight in Miami, Florida, after stopping in 27 cities throughout the world; and*

*Whereas Irving continues to inspire youth and adults alike with his achievements and*

work to increase the accessibility of opportunities in aviation and aerospace: Now, therefore, be it

*Resolved, That the House of Representatives—*  
(1) honors the accomplishments of Barrington Irving, the youngest pilot and first person of African descent ever to fly solo around the world and founder of a nonprofit organization that inspires youth to pursue careers in aviation and aerospace;

(2) encourages young people and minorities to pursue educational opportunities in preparation for careers in aviation and related industries; and

(3) encourages museums throughout the Nation related to aviation to commemorate the historic achievements of Captain Barrington Irving.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

#### GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H. Res. 661.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Barrington Antonio Irving was the youngest person and the first person of African descent to undertake a 24,600-mile solo flight around the world. His extraordinary accomplishment was brought to the attention of the committee by the passionate appeal for recognition in the form of this resolution by the gentleman from Florida (Mr. HASTINGS), to whom I now yield such time as he may consume.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today with great pleasure to commemorate the achievements of Captain Antonio Barrington Irving, the youngest pilot and first person of African descent to fly solo around the world.

I thank Chairmen OBERSTAR and COSTELLO and Ranking Member PETRI and the distinguished staff for their support and willingness to expedite the consideration of this resolution.

Since we introduced H. Res. 661, my good friend, the gentleman from Florida (Mr. MEEK) and I have been joined by a bipartisan coalition of 43 cosponsors who also share our desire to encourage youth to pursue careers in aviation. It is our hope that recognizing Barrington Irving's achievement will encourage many more youth to reach for the same skies in which he made history.

Barrington Irving was born in Kingston, Jamaica, in 1983, and soon after moved to Miami, Florida. When he was 15 years old, he met Captain Gary Robinson, a Jamaican airline pilot who became a lifelong mentor, inspiring him to fly one day himself.

Enduring the challenges of growing up in inner-city Miami, Irving never let

his dreams of becoming a pilot be stifled. He worked miscellaneous jobs to save for lessons, and eventually earned a joint Air Force-Florida Memorial University flight awareness scholarship to study aviation and take professional flying lessons.

Barrington took tremendous steps to pursue his dream in aviation while still a student at Florida Memorial University.

Mr. OBERSTAR, I am sure that a colleague of yours and a mentor of mine when I first came to Congress would be very proud of this young man, William Lehman, who at one time was in the same position as yourself as Chair of Transportation, developed the program at Florida Memorial University which allowed for a significant number of youngsters to achieve status as captains in aviation, many of whom have gone on to become commercial airline pilots and military pilots, and I am sure that Alabama Bill, as some of us know him, would be proud today.

The reason I mention it is this program, when Carrie Meek came to Congress, KENDRICK's mother, she continued the efforts on this program, as did KENDRICK and others. I guess it comes under the heading "earmark," perhaps. And if that is the case, then I continuously urge my colleagues to review the status of things when responsible acts are taking place and they are being made to sound irresponsible because they are identified as earmarks. We need to be very cautious in this institution in that regard because we ignore a lot of time opportunities like in this particular case.

This young man contacted many companies and convinced the aircraft manufacturer Columbia to provide him with a plane to fly around the world if he could secure donations and the components.

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After successfully securing donations, Barrington embarked on a 24,600-mile flight around the world from Opa Locka, Florida on March 23, 2007. Only 23 years of age, he was still a senior, majoring in aerospace, that program that I talked about that Bill Lehman helped to develop at Florida Memorial University, and he was a senior at the time he began this flight.

He traveled the world as an ambassador of aviation, teaching young people in 27 cities around the world about opportunities in aviation and the importance of academics. He returned from his journey on June 27, 2007, concluding his flight at the same small airport from where he began in Miami-Dade County, Florida.

Mr. Speaker and Mr. Chairman, this young man embodied the perseverance and dedication necessary to truly pursue one's dreams.

Barrington Irving deserves praise not only for his achievement, but for the continued community contributions of Experience Aviation, Inc., a nonprofit organization he founded to address the

shortage of youth pursuing careers in aviation.

I urge my colleagues to support this resolution. I thank you, Mr. Chairman, Mr. PETRI and the staff as we work on many initiatives to come that will reprioritize opportunities in aviation for our youth and promote achievement in all fields of human endeavor.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

This resolution honors the heroic achievements of Captain Barrington Antonio Irving, the youngest pilot and first person of African American descent to fly solo around the world.

Captain Barrington Irving was born in Jamaica, as was pointed out, in 1983 and raised in Miami, Florida. His lifelong dream was to become a pilot, and this exceptional young man overcame great obstacles to make his dream a reality.

On March 23, 2007, after nearly 4 years of acquiring sufficient funds for his journey, Irving embarked from Miami, Florida, on a 24,600-mile flight around the world in an airplane rightly named Inspiration. At the age of 23, Irving became the youngest person, as well as the first African American pilot, to fly around the world when he returned to Miami on June 27, 2007.

During his 3-month journey, Irving visited with young people in 27 cities around the world encouraging them to enter aviation and stressing the importance of academics.

Captain Barrington Irving is an inspiration and an example that, through perseverance and dedication, anyone can overcome even the greatest obstacles and can achieve their goals.

I am proud to support this legislation. I urge my colleagues to join me in honoring this exceptional young man and commemorating his historic achievement.

I yield back the balance of my time.

Mr. OBERSTAR. I yield myself such time as I may consume to express my great appreciation to the gentleman from Wisconsin and the gentleman from Florida (Mr. MICA). Mr. PETRI has been wonderful to work with on this issue and to acknowledge an extraordinary achievement that the gentleman from Florida (Mr. HASTINGS) has spelled out in such graphic detail, and well said.

Barrington Irving did something truly extraordinary in flying around the world. But more important than the flight was the inspiration he has served and has become for young people, young people younger than him, or his age, who are fascinated with aviation and with aerospace itself.

Mr. Irving established a nonprofit educational organization, created a travel blog for the purpose of empowering young people and encouraging minorities, in particular, to pursue careers in aviation. His around-the-world trip earned widespread community support and sponsorship, but more importantly as an inspiration for young people to aspire to something greater than themselves for the future.

The gentleman from Florida (Mr. HASTINGS) cited the initial investment in the college program that stimulated young Barrington's interest and facilitated his skill in aviation, and appropriately mentioned our former colleague, Bill Lehman, who served as Chair of the Transportation Appropriations Subcommittee, and that brought a very touching memory back to me as I worked with then-Chairman Lehman in my capacity as Chair of the Aviation Subcommittee to resolve a number of complex issues in aviation. He was always gracious and caring and helpful and astute. I appreciate the gentleman's reference.

And let us move quickly to enact this legislation to acknowledge Barrington Antonio Irving's contribution to aviation, an inspiration to young people.

Mr. COSTELLO. Mr. Speaker, H. Res. 661 is a resolution honoring the accomplishments of Barrington Antonio Irving, the youngest pilot and first person of African descent ever to fly solo around the world.

I want to thank our colleague, Mr. HASTINGS of Florida, for introducing this important legislation.

On June 27, 2007, Barrington Irving flew solo around the world to inspire youth, in particular inner-city youth and minority youth, throughout the Nation to consider pursuing careers in aviation and aerospace. In doing so, he became the first African American and youngest pilot to make such an extraordinary trip.

In order to make his dream a reality, he received donations from airplane manufacturers and others, which he used to assemble the plane that carried him around the world. He named his plane "Inspiration" in hopes that his flight would inspire others to reach for their dreams.

In addition to such an amazing accomplishment, Barrington continues to work tirelessly to provide additional resources for young people pursuing careers in the field of aviation.

Mr. Speaker, Mr. Irving is a remarkable man, which should serve as a motivation to us all that dreams can come true if you put your mind and heart into a project. That is why I support H. Res. 661 and urge my colleagues to do the same.

Mr. OBERSTAR. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and agree to the resolution, H. Res. 661, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### HONORING THOSE WHO HAVE VOLUNTEERED TO ASSIST IN THE CLEANUP OF THE NOVEMBER 7, 2007, OIL SPILL IN SAN FRANCISCO BAY

Mrs. TAUSCHER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 853) honoring

those who have volunteered to assist in the cleanup of the November 7, 2007, oil spill in San Francisco Bay.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 853

Whereas the oil spill that occurred on November 7, 2007, in the San Francisco Bay resulted in the discharge of between 53,570 and 58,000 gallons of toxic bunker fuel, causing one of the Bay Area's worse environmental disasters;

Whereas 28 beaches were closed and over 1,300 birds so far have been severely impacted by the spill;

Whereas thousands of individuals throughout the San Francisco Bay Area immediately volunteered to assist with the cleanup;

Whereas Bay Area community non-profit organizations, such as San Francisco Connect, have also rallied to support the response and recovery work by supporting these volunteer efforts;

Whereas Bay Area environmental organizations, such as Baykeeper, Save the Bay, and the Bay Institute, have provided invaluable leadership in reporting, assessing, and helping to remediate the damage to the Bay's ecosystem;

Whereas the Pacific Coast Federation of Fishermen's Associations, members of the San Francisco Crab Boat Owners Association, commercial crabbers, and other Bay Area fishermen have all joined the cleanup efforts as well; and

Whereas the city of San Francisco, particularly through its Department of Emergency Management, has significantly contributed to the overall response, bringing considerable resources to bear: Now, therefore, be it

*Resolved*, That the House of Representatives honors those individuals and organizations who have volunteered to assist in the cleanup of the November 7, 2007, oil spill in one of our Nation's most beloved national treasures, the San Francisco Bay.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. TAUSCHER) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. TAUSCHER. Mr. Speaker, I rise in strong support of House Resolution 853, introduced by my good friend and distinguished Speaker of the House, NANCY PELOSI.

This resolution honors thousands of volunteers who helped clean up the Bay Area's beaches and wildlife after the harmful oil spill of November 7 of this year. The public's response to 58,000 gallons of fuel polluting the bay typified how the San Francisco Bay community comes together during a crisis. Our Bay Area constituents were eager to volunteer their time and help minimize the negative effects to the Bay Area's fragile ecosystem. For days and days after the spill, they cleaned birds and combed the shoreline for oil residue, and in some cases put their own health at risk in order to protect our bay.

In order to coordinate the volunteer efforts, numerous organizations mobilized their members in support of the

cleanup, including Save the Bay, the Fishermen's Association and the Crab Boat Owners. I am so proud of our Bay Area constituents, how much energy they showed, how much passion they showed, and such dedication that they showed to the bay during this environmental disaster. These volunteers deserve recognition from the House of Representatives.

I strongly support House Resolution 853.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, House Resolution 853 honors the efforts of all of those that volunteered to assist the response to the recent oil spill in San Francisco Bay. Last month a cargo vessel collided with a span of the San Francisco Bay Bridge, resulting in a gash to the vessel's hull and the release of approximately 58,000 gallons of fuel oil into the bay.

Following reports of the oil spill, the Coast Guard, with its Federal, State and local government partners, initiated a response to the spill which has resulted in the deployment of 440 personnel and the recovery of more than 4,000 cubic yards of oily solids.

In addition to the critical work performed by the Coast Guard and other government officials, literally thousands of volunteers have assisted in cleanup operations at beaches throughout the San Francisco Bay Area. Volunteers have assisted professional cleanup crews in removing oil from beaches and have reported sightings of oil-affected areas and impaired wildlife to oil spill response personnel.

Additionally, volunteers were required to undergo at least 4 hours of hazardous waste and emergency response training before participating in the cleanup efforts.

I want to commend the Speaker of the House, Ms. PELOSI, and join with her today in thanking these volunteers and honoring their efforts to respond to this unfortunate event.

I also want to take time to thank all of the Federal, State, and local officials for their efforts to contain and minimize the environmental and economic impacts of the spill.

I urge all members to support this resolution.

Mr. Speaker, I reserve the balance of our time.

#### GENERAL LEAVE

Mrs. TAUSCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 853.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. TAUSCHER. Mr. Speaker, I yield myself as much time as I may consume.